

Dkt. No. 0073/65994

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Mark Russell ATTIEH

Serial No. : 09/937,976

Int'l Application
No.: PCT/IB99/00546

Date Filed : September 28, 2001

Int'l Application
Filing Date: March 30, 19991185 Avenue of the Americas
New York, N.Y. 10036

Assistant Commissioner for Patents
BOX PCT
Washington, D.C. 20231
Attn: PCT Legal Office

RECEIVED

04 APR 2003
Legal Staff
International DivisionREQUEST FOR RECONSIDERATION ON THE MERITS

Sir:

In response to the Decision dated February 26, 2003, Applicant requests reconsideration on the merits.

The Decision indicates that Applicants representative should supply a docket record which lists responses due to the USPTO on January 14, 2002 for all cases handled by the representative's firm. In response, enclosed is docket record for responses due to the USPTO on January 14, 2002 for all cases handled by the representative's firm as well as a Declaration of Wendell Dunn who is in charge of the docketing department of our firm.

Applicant respectfully requests that the application be revived and the period be reset

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Richard F. Jaworski
Reg. No. 33,515

Apr 14, 2003
Date

Mark Russell TIEH, S.N. 09/937,976
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for responding to the Notification, without any petition or other fee being due by applicant, because applicant was not at fault, having not received the Notification or been aware of its issuance until July 25, 2002. In the event that the Patent and Trademark Office deems a Petition to be required to obtain the requested relief, applicant hereby petitions for such relief and authorizes the fee in connection therewith to be charged to Deposit Account No. 03-3125.

If the Patent and Trademark Office has any questions regarding this Request/Petition, kindly telephone the undersigned attorney.

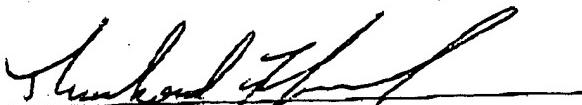
The Office is hereby authorized to charge any additional fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

A courtesy copy of this Request is being faxed to the PCT Legal Office (703) 308-6459 and the original is being mailed with Certificate of Mailing.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition, and the Commissioner is authorized to charge the requisite fees to our Deposit Account No. 03-3125.

Entry of this request is respectfully requested.

Respectfully submitted,



RICHARD F. JAWORSKI
Reg. No.33,515
Attorney for Applicants
Cooper & Dunham LLP
Tel.: (212) 278-0400



UNITED STATES PATENT AND TRADEMARK OFFICE

09/1654

PMS

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

14 MAR 2003

Richard F. Jaworski
COOPER & DUNHAM LLP
1185 Avenue of the Americas
New York, New York 10036

20 2003

Dear Mr. Jaworski:

This is in response to your request received 14 January 2003 inquiring about the status of the "REQUEST FOR RESTARTING TIME PERIOD OF RESPONSE" filed 16 August 2002 in U.S. patent application number 09/937,976. The Request was received on 22 August 2002 and a decision in response to that communication was issued on 26 February 2003. A copy of the decision is attached herewith for your convenience.

Sincerely,

Nguyễn Ngọc Hô
Paralegal Specialist
PCT Legal Office

Tel: (703) 308-6508

Enclosure:

- Copy of decision of 26 February 2003



26 FEB 2003

0073/65994

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Richard F. Jaworski
1185 Avenue of the Americas
New York, NY 10036

MAR 20 2003

In re Application of ATTIEH
U.S. Application No.: 09/937,976
Int. Application No.: PCT/IB99/00546
Int. Filing Date: 30 March 1999
Attorney Docket No.: 0073/65994
For: A METHOD OF CONDUCTING
FINANCIAL TRANSACTIONS

DECISION

This is in response to applicant's "Request for Resetting Time Period for Response and Revival of Application in View of Non Receipt of Patent and Trademark Office Communication, or in the Alternative, Petition to Revive" filed 22 August 2002, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 30 March 1999, applicant filed international application PCT/IB99/00546. A copy of the international application was communicated to the USPTO from the International Bureau on 05 October 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 30 October 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 30 September 2001.

On 28 September 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 14 November 2001, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 22 August 2002, applicant filed the present petition under 37 CFR 1.181.

OC13/6549

RFJ

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DISCUSSION

Pursuant to MPEP 711.03(c), the showing required to establish nonreceipt of an Office communication must include: (1) a statement by the practitioner that the Office communication was not received by the practitioner, (2) a statement by the practitioner that he searched the application file jacket and docket records and that the search indicates that the Office communication was not received, and (3) a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

With regard to item (1) above, applicant's representative has provided the required statement.

With regard to item (2) above, applicant's representative has provided the required statement.

With regard to item (3) above, the submitted docket listing for the present application is insufficient. Applicants' representative should supply a docket record which lists responses due to the USPTO on 14 January 2002 for all cases handled by the representative's firm, or if such a docket record is unavailable, for all cases handled by applicants' representative. This docket record must illustrate the absence of any listing of a response due to a Notification of Missing Requirements.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is DISMISSED without prejudice.

4/26/2003 SML

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181".

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.

Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614
Facsimile: 703-308-6459

PCMaster v3.03.02 - Cooper & Dunham - [Patent]

65994	RICHARD F. JAWORSKI
United States	SPOOR & FISHER
REGULAR CASE TYPE	SPOOR & FISHER
ORIGINAL OR PATENT CASE	
NATIONAL CASE	
SEARCHED INDEXED SERIALIZED FILED	
MAY 10 2002	
U.S. PATENT AND TRADEMARK OFFICE	
SEARCHED INDEXED SERIALIZED FILED	
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U.S. PATENT AND TRADEMARK OFFICE	
CHECK	28NO2001!
INFORMATION	28DE2001-
8mo FOREIGN FILING	28MY2002!
10mo FOREIGN FILING	28JL2002!
11mo FOREIGN FILING	28AU2002!
12mo FOREIGN FILING	28SE2002!
STATUS INQUIRY DUE	16FE2003 09JA2003
FILE REQUEST FOR	26AP2003
PETITION TO REVIVE	16AU2002

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MASTER FILE REPORT
(ACTDU.DT.PL '(1) = "14JA2002")

PCMMASTER REPORTER

PAGE:
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Action Due Attorney

14JA2002	CHRISTOPHER C. DUNHAM
14JA2002	DONALD S. DOWDEN
14JA2002	IVAN S. KAVRUKOV
14JA2002	JAY H. MAIOLI
14JA2002	JOHN P. WHITE
14JA2002	NORMAN H. ZIVIN
14JA2002	ROBERT D. KATZ
14JA2002	ROBERT D. KATZ
14JA2002	RICHARD S. MILNER

App No.	Docket No.	Action Description	Attorney	ID: 12123910526
09/795637	49288-X	4 MONTH RESPONSE DUE	OLAP2003	PAGE: 17 57
9200955.7	39625-GM	INSTRUCTIONS		
09/782989	64169	11mo FOREIGN FILING REMINDER		
09/854654	65040	8mo FOREIGN FILING REMINDER		
09/927802	65686	FILING RECEIPT RECEIVED		
09/992356	66204	CHECK DECL./REFUND (if needed)		
08/822288	45206-A-Z	1ST MAINTENANCE FEE DUE		
08/692677	48172	1ST MAINTENANCE FEE DUE		
08/524214	48511	1ST MAINTENANCE FEE DUE		
08/827227	49311-Z	1ST MAINTENANCE FEE DUE		
08/695577	51440	1ST MAINTENANCE FEE DUE		
9-65825	53173-A-JP	ANNUTY		
09/854984	56607-Z	8mo FOREIGN FILING REMINDER		
09/787136	61974	10mo FOREIGN FILING REMINDER		
09/808163	64045	10mo FOREIGN FILING REMINDER		
09/992606	65952	CHECK DECL./REFUND (if needed)		
09/992605	65964	CHECK DECL./REFUND (if needed)		
93900769.6	39317-PCT-EPO	REPLY TO ACTION		
08/415681	41878-C	1ST MAINTENANCE FEE DUE		
95909481.4	44742-A-PCT-EPO	ANNUTY REMINDER		
08/870519	53950	1ST MAINTENANCE FEE DUE		
09/159858	56615	4 MONTH FINAL RESPONSE		
PCT/US00/19260	59587-PCT	30 MONTH PHASE		
09/924273	65646	EXTENSION TO RESP TO NTC OF MSG PTS		
09/924311	65650	EXTENSION TO RESP TO NTC OF MSG PTS		
08/842680	53112	4 MONTH RESPONSE DUE		
08/430819	44202-A	1ST MAINTENANCE FEE DUE		
09/975607	57114-B	INVITATION TO FURNISH SEQUENCE LIST		
09/854655	65042	8mo FOREIGN FILING REMINDER		

USPTO/PCT LEGAL

703 308 6459

*** RX REPORT ***

RECEPTION OK

TX/RX NO	5354
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RESULT	OK